IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO: 8701 of 2005

Between:

M/s.Vanapamula Seeds, a partnership firm rep. by its partner
Shri A.Anil Kumar, S/o.Visveswara Rao,
D.No.6-8-27, 8/1 Arundelpet, Guntur.

... PETITIONER

AND

1. The Government of Andhra Pradesh,
rep. by its Secretary, Agricultural & Co-op (Mktg.II) Dept.,
Secretariat Building, Hyderabad.
2. The Commissioner & Director of Marketing,
Govt. of Andhra Pradesh, Hyderabad.
3. The Secretary, Agricultural Marketing Committee,
Guntur, Guntur District.
4. The Secretary, Agricultural Market Committee,
Nellore, Nellore District.
5. The Secretary, Agricultural Market Committee,
Ongole, Prakasam District.
6. The Secretary, Agricultural Market Committee,
Vizianagaram, Vizianagaram District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ order or direction declaring the action of the respondents in demanding and collecting the market fee on the sale and purchase of "seed" under the A.P. (Agricultural produce & Livestock) Market Act, 1966, as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from levying and collecting market fee on certified as well as Truthfully Labeled seed for sowing purpose from the petitioner.

Counsel for the Petitioner: MR. D. KRISHNA MURTHY

Counsel for the Respondents: GP FOR COOPERATION

AND MR. K. MADHAVA REDDY,
S.C. FOR MARKET COMMITTEE

The Court made the following:

ORDER: -

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This writ petition is filed seeking *mandamus* declaring the action of the respondents in demanding and collecting the market fee on the sale and purchase of 'seed' under the A.P. (Agricultural Produce & Livestock) Market Act, 1966, as illegal and arbitrary and for a consequential direction prohibiting the respondents from levying and collecting market fee on certified as truthfully labeled seed for sowing, from the petitioner.

2. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner as well as the learned Standing Counsel for the Market Committee that the issue involved in this writ petition is squarely covered by a judgment of this Court, rendered in a batch of writ petitions, being W.P.No.13527 of 2004 dated 08-02-2005, following the judgments of the Supreme Court in **Krishi Utpadan Mandi Samiti v. P.P.B Ltd.,(2004 1 SCC 391) and State Of Rajasthan v. Rajasthan Agriculture Input Dealers' Assn.(1996 5 SCC 479)**.

3. Recording the said submission and following the ratio in the aforementioned judgments, this writ petition is disposed of accordingly. No costs.

ELIPE DHARMA RAO, J

Dt.21-04-2005

Glv

ASSISTANT REGISTRAR

Copy to:

1. The Secretary,
Agricultural & Co-op (Mktg.II) Dept.,
Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.
2. The Commissioner & Director of Marketing,
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6. The Secretary, Agricultural Market Committee,
Vizianagaram, Vizianagaram District.

7. Two CCs to the GP for cooperation, High Court Buildings, Hyderabad.
(OUT)

Two CD copies.

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